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14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 CENTER FOR BIOLOGICAL DIVERSITY,

20 Plaintiff,

21 v.

22 LISA JACKSON, in her official capacity as
23 Administrator of the United States
24 Environmental Protection Agency, and
25 ENVIRONMENTAL PROTECTION
26 AGENCY,
27

28 Defendants.

Case No. 3:10-cv-01846-MMC

**STIPULATION AND ORDER TO
EXTEND ANSWER DEADLINE
AND TO CONTINUE INITIAL
DISCOVERY, ADR DEADLINES,
AND CASE MANAGEMENT
CONFERENCE**

STIPULATION AND ORDER TO EXTEND ANSWER DEADLINE
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AND CASE MANAGEMENT CONFERENCE

Case No. 3:10-cv-01846-MMC

1 WHEREAS, on April 29, 2010, Plaintiff Center for Biological Diversity filed a complaint
2 in the above-captioned matter against the United States Environmental Protection Agency and its
3 Administrator, Lisa Jackson (collectively, "EPA"), alleging that EPA has failed to undertake
4 certain nondiscretionary duties under the Clean Air Act, 42 U.S.C. §§ 7401-7671q;
5

6 WHEREAS, Plaintiff and EPA seek to resolve this case through settlement, thereby
7 reducing litigation expenses and preserving this Court's resources, and are currently engaged in
8 settlement discussions;
9

10 WHEREAS, any final settlement of this case must be approved by authorized officials at
11 the United States Department of Justice and EPA, a process that can take several weeks;
12

13 WHEREAS, at least 30 days before any final settlement of this matter can be entered,
14 EPA must provide notice of such settlement in the Federal Register and an opportunity for public
15 comment pursuant to Section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g);
16

17 WHEREAS, no previous requests for extensions of time or continuances have been filed
18 in this case, and the parties believe that the requested extensions and continuances below will not
19 adversely affect the schedule of this case;
20

21 NOW THEREFORE the parties, pursuant to Local Rules 6-2 and 7-12, Plaintiff and EPA
22 hereby stipulate to the following:
23

24 1. EPA's time for responding to Plaintiff's complaint is extended by 91 days, to
25 September 27, 2010;
26

27 2. The parties' deadline to meet and confer regarding initial disclosures, early settlement,
28 ADR process selection, and discovery planning is continued to October 21, 2010;
29

30 3. The parties' deadline to file initial disclosures, a Case Management Statement, and a
Rule 26(f) Report is continued until November 4, 2010;
31

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Case No. 3:10-cv-01846-MMC

1 4. The initial case management conference is continued until November 12, 2010, or a
2 date thereafter set by the Court.

3
4
5 **COUNSEL FOR DEFENDANTS:**

6 Dated: June 23, 2010

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

8 /s/ Adam J. Katz

9 ADAM J. KATZ

Trial Attorney

10 United States Department of Justice

11 Environmental Defense Section

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15
16 **COUNSEL FOR PLAINTIFF:**

17 Dated: June 23, 2010

/s/ Robert Ukeiley (with permission)

18 ROBERT UKEILEY (*pro hac vice*)

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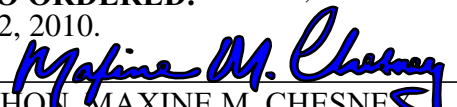
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22
23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Further, the Case Management
Conference is CONTINUED to November 12, 2010.

24 Dated: June 24, 2010


25 HON. MAXINE M. CHESNEY
26 UNITED STATES DISTRICT JUDGE
27
28

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